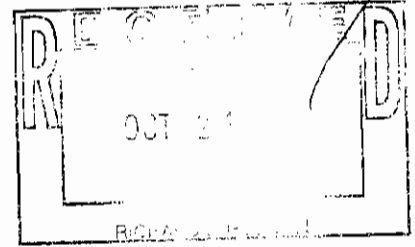


**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**



Inna Pikulenko,

Plaintiff

v.

Michael Chertoff, Secretary,  
U.S. Department of Homeland Security;  
Emilio Gonzalez, Director, United  
States Citizenship and Immigration  
Services; Evelyn Upchurch,  
Director, Texas Service Center, United States  
Citizenship and Immigration Services,  
Mesquite, Texas

Defendants

Case No. 07-CV-2915  
ECF CASE (RJH)

**STIPULATION AND ORDER  
USDC SDNY**

**DOCUMENT**

**ELECTRONICALLY FILED**

**DOC #:**

**DATE FILED:** 10/30/07

**WHEREAS**, on April 11, 2007, Plaintiff Inna Pikulenko ("Plaintiff") filed with this Court a petition for a writ of *mandamus* seeking to compel the Defendant and his agents to take action on her Application for Adjustment of Status (INS Form I-485) that was filed with the United States Citizenship and Immigration Services, on or about October 6, 2004; and

**WHEREAS**, on or about December 10, 2005, the Nebraska Service Center transferred Plaintiff's application to the Texas Service Center of United States Citizenship and Immigration Services in Mesquite, Texas for processing; and

**WHEREAS**, at a conference on September 7, 2007, the counsel for the Government represented to the Court that the USCIS will take the appropriate steps to adjudicate the Plaintiff's adjustment of status application; and

**WHEREAS**, at a conference on October 19, 2007, the USCIS had not yet acted in accordance to the Government's representations of September 7, 2007; and

**WHEREAS**, at a conference on October 19, 2007, the counsel for the Government

informed the Court of the existence of two "A" files for the Plaintiff, which may be attributable to the delay; and

**WHEREAS**, counsel for the Government has informed the Court that the matter should be resolved promptly once the USCIS reviews both of Plaintiff's "A" files in conjunction,

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and among the parties, as follows:

1. Within 30 days of this Stipulation and Order, the USCIS shall adjudicate the Plaintiff's Application for Adjustment of status that has been pending since 2004.
2. In the event the USCIS is unable or unwilling to comply with paragraph 1, then by November 21, 2007, the Government shall inform the Court of the USCIS' inability or unwillingness to comply.
3. Upon the USCIS' non-compliance with paragraph 1 within the prescribed time, the Government shall Show Cause on November 7, 2007, at 11:30 A.M./P.M. as to why the USCIS was unable or unwilling to comply with paragraph 1.

Dated: New York, New York  
October 22, 2007

By: Ruchi Thaker  
Ruchi Thaker  
Thaker Berowitz LLP  
225 Broadway, Suite 3001  
New York, NY 10007  
Phone: (212) 513-1713  
Fax: (212) 513-7737

Dated: New York, New York  
October 22, 2007

By: F. James Loprest  
F. James Loprest  
Assistant U.S. Attorney  
Southern District of New York  
86 Chambers, St., 3<sup>rd</sup> Floor  
New York, NY 10007  
Phone: (212) 637-2728  
Fax: (212) 637-2786

SO ORDERED: Richard Holwell  
RICHARD HOLWELL  
United States District Judge

Dated: October 22, 2007